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Summary record of the 1911th meeting

Held at Headquarters, New York, on Tuesday, 27 March 2001, at 3 p.m.

Chairperson: Mr. Bhagwati

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant *(continued)*

Initial report of Uzbekistan (continued)
(CCPR/C/UZB/99/1)

1. *At the invitation of the Chairperson, the members of the delegation of Uzbekistan took places at the Committee table.*

List of issues (continued) (CCPR/C/70/L/UZB)

2. **The Chairperson** invited members of the Committee to ask further questions on the issues dealt with at the previous meeting.

3. **Mr. Klein** asked whether the approximately 1,300 people resettled in other regions had left their villages voluntarily or if they had been forced out without their belongings, and whether it was true that the villages had subsequently been destroyed.

4. **Mr. Scheinin** said that he was still uncertain about the exact point at which an accused had access to counsel: immediately after being apprehended, or only after certain procedures leading to formal arrest and indictment. His other question about the point at which a detained person had to be brought before a judge had not yet been answered. Regarding the presence of electric shock equipment in places of detention, he would like to know if the Government had taken responsibility for checking that there were no implements of torture in the hands of law enforcement officers and to remove any that were found, and would appreciate an explanation of why such equipment would be there in the first place.

5. **Mr. Tawfik Khalil** asked whether it was true as alleged that in some cases evidence extracted by unlawful means from the accused had been admitted by the courts.

6. **Mr. Saidov** (Uzbekistan), replying to the question from Mr. Klein about the resettlement of ethnic Tajiks, said that, in August 2000, at the time of resettlement, the Government had been primarily concerned with their personal safety, since they lived in an isolated mountain region beset by armed conflict. Subsequently, the resettled ethnic Tajiks had expressed

their gratitude for the Government's action to resettle them and to provide satisfactory living conditions.

7. Replying to Mr. Scheinin, he pointed that, under article 49 of the Code of Penal Procedure, the defendant could request counsel right from the time of arrest. Furthermore, the use of electric shocks or any other form of torture was strictly banned by law, and anyone using such methods was dealt with severely. Furthermore, in reply to Mr. Tawfik Khalil, he said that any evidence obtained by unlawful means would be inadmissible in court.

8. Replying to Mr. Henkin, he said that, under article 93 of the Constitution, the President had the power to grant political asylum. Furthermore, Uzbekistan recognized the international treaties governing that matter.

9. Regarding the Chikunov case, Mr. Chikunov, who had been engaged in the purchase and sale of apartments in Tashkent, had forged a document and had obtained \$6,000 from private individuals without fulfilling his obligations under the transaction. Following a dispute with two of those individuals, he had devised a scheme to murder them. His first attempt had not succeeded, when a grenade he had intended to use had failed to explode. Later, riding with them in a car, he had shot them in the head; subsequently he had again shot them and they had died on the spot. Chikunov had disappeared from the scene, but in April 1999 had been arrested and, during his trial, had been found guilty on the basis of ample evidence and had been sentenced to death.

Right to a fair trial (art. 14)

10. **The Chairperson** invited the delegation of Uzbekistan to reply to the questions in paragraph 16 of the list of issues relating to the independence of the judiciary, giving details on the criteria and procedures for recruitment, training, career development, dismissal, retirement, complaints and accountability of judges (CCPR/C/UZB/99/1, para. 211).

11. **Mr. Saidov** (Uzbekistan) said that the subject was governed by articles 106-116 of the Constitution and by the 1993 Courts Act. A candidate for the position of district judge must be a citizen of the Republic of at least 25 years of age with a higher education in law, must have served at least three years in a legal capacity, and must have passed the requisite examination. A candidate for the position of judge on

the Supreme Court of Karakalpakstan or regional judge must, in addition to the preceding requirements, have at least five years' practical experience in the legal field, including at least two years as a judge. A candidate for the position of judge on the Supreme Court and the Higher Economic Court had to fulfil the additional requirements of a minimum of seven years' legal experience, including at least five years as a judge. A candidate for the position of judge on a military court had to be an Uzbek citizen and to have military experience at the officer rank.

12. Judges on the Supreme Court and the Higher Economic Court were appointed by the Oliy Majlis (Parliament) upon the recommendation of the President. Judges in the Republic of Karakalpakstan were appointed by the Parliament of Karakalpakstan, subject to the approval of the President of Uzbekistan. City, district and regional judges were appointed by the President upon the recommendation of the Higher Qualifications Commission. Judges for economic courts were appointed upon the recommendation of the President of the Higher Economic Court. Military court judges were appointed by the President of the Republic upon the recommendation of the Higher Economic Court. Judges were appointed for a five-year term.

13. Judges in Uzbekistan could be subject to disciplinary action only upon a decision of the Qualifications College of Judges, on grounds of violation of the law, negligence or disreputable conduct. A judge's powers could be curtailed on grounds of violation of the oath, activities incompatible with the duties of a judge, incapacity, loss of citizenship, sentencing by a court, or incapacity for medical or other valid reasons. A high-level commission had been set up to decide such matters and, following a review of the 1993 Courts Act, new reforms were under way concerning courts of general jurisdiction and specialized courts.

14. **The Chairperson** invited the delegation to reply to the question in paragraph 17 of the list of issues regarding the presumption of innocence.

15. **Mr. Saidov** (Uzbekistan) said that, under article 26 of the Constitution, no one could be adjudged guilty except by the verdict of a court. Until such time as the prosecutor demonstrated the person's guilt, the defendant was presumed innocent.

16. Article 8 of the Courts Act covered the legal protection of Uzbek citizens. They were entitled to

legal protection from any illegal acts by State bodies and officials and from violation of the right to life, health, dignity, freedom and other rights. Legal defence was also granted to enterprises and organizations. Under article 9 of the Courts Act, an accused person was entitled to legal defence at every stage of the proceedings. Furthermore, the accused was entitled to legal counsel within 24 hours of arrest.

17. **The Chairperson** invited the delegation to respond to the questions in paragraph 18 of the list of issues concerning access to counsel, trial without delay, and prohibition of compulsion to testify against oneself or to confess guilt.

18. **Mr. Saidov** (Uzbekistan) said that the act of 1996 on the legal profession governed the attributes and conditions of service of a legal counsel. Citizens were entitled under the Constitution to legal assistance, which was also available to foreigners and to companies and organizations. An act of 1998 provided further guarantees for the provision of legal assistance and the conditions under which it was granted. Defendants could choose their own legal counsel, and that service was also available to persons found guilty.

19. An association of lawyers had recently been created in Uzbekistan, with affiliates throughout the Republic. The importance of the legal profession continued to increase, and defence counsel's rights were being brought into line with the rights of prosecutors at every stage of the court proceedings.

20. **The Chairperson** invited the delegation to reply to the question in paragraph 19 of the list of issues concerning steps taken to ensure that court proceedings were open to the public, including local and international human rights monitors.

21. **Mr. Saidov** (Uzbekistan) said that, under article 113 of the Constitution, all court proceedings were open to the public, except in specific cases prescribed by law. Foreigners subject to court proceedings were entitled to contact their embassy or consulate, and there had been several such cases during 2000 involving foreigners from the Russian Federation, the Islamic Republic of Iran, Pakistan and other countries.

Gender equality and the principle of non-discrimination (arts. 3 and 26)

22. **The Chairperson** invited the delegation to reply to the question in paragraph 20 of the list of issues

concerning measures adopted to obtain equal status for women in public life.

23. **Mr. Saidov** (Uzbekistan) said that a number of measures had been taken to that end. In 2001, 70 legislative acts on the protection of women's rights had already been adopted. A committee had been set up in Parliament concerned with the social situation and work prospects of the population, with specific regard to the position of women and the family. Furthermore, a national mechanism was being developed for protecting the rights of women in public life and also for protecting the family, motherhood and childhood. Women had been encouraged to participate in many aspects of public life. The situation was constantly being monitored to ensure compliance with the national policy on the status of women, and the monitoring system was being improved.

24. Independent women's movements were also being developed. There were now over 100 women's non-governmental organizations, whereas before independence, there had not been a single one. They worked in four main areas: ensuring social support for women during the country's transition to a market economy; ensuring equal access to education, improvement of skills and participation in State development programmes; protecting motherhood and childhood, and improving family planning and reproductive health; and developing links with international women's organizations.

25. Women's non-governmental organizations were very active in developing education and training programmes. They were also involved in activities to inform the public on women's rights to eliminate gender stereotypes, and to ensure the implementation of women's rights through international cooperation. Pursuant to the Beijing Platform for Action, a broad analytical survey had been carried out and the results had been publicized.

26. **The Chairperson** invited the delegation to respond to the question in paragraph 21 of the list of issues, relating to measures to combat abuses against women.

27. **Mr. Saidov** (Uzbekistan) replied that much work was being carried out to prevent violence in the home. Uzbekistan was adopting legislative measures, conducting information and education campaigns, trying to improve economic conditions, and trying to ensure court support for women's rights. In recent

years, women's organizations had been making efforts to prevent violence in the home. Furthermore, together with a women lawyers' association in the United States, the Uzbekistan Women's Committee was trying to develop indicators of domestic violence, an effort that involved lawyers, judges, students, schoolchildren and women's non-governmental organizations as well as people directly involved in the social-services sphere.

28. A network of centres was being developed for the rehabilitation of victims of violence. In 2000, 520 cases of rape had been recorded, most of which had been resolved successfully. The non-governmental organizations were conducting an independent survey of the problem.

29. **The Chairperson** invited the delegation to answer the question in paragraph 22 of the list of issues, concerning traffic in women and girls for prostitution, and methods taken to combat that practice.

30. **Mr. Saidov** (Uzbekistan) replied that any attempt to exploit women and girls sexually was covered by articles 135 and 137 of the Penal Code.

31. **The Chairperson** invited the delegation to respond to the question in paragraph 23 of the list of issues, concerning measures to combat discrimination against women for considerations of religion and tradition (para. 104 of the report).

32. **Mr. Saidov** (Uzbekistan) replied that, under article 18 of the Constitution, all citizens were equal before the law, without discrimination by sex, race, nationality, language, religion, or other factors. Article 31 of the Constitution guaranteed the right of everyone, both men and women, to profess or not to profess any religion. Any violation of that right or any other form of discrimination was subject to criminal proceedings under article 141 of the Penal Code. Moreover, article 145 of the Code penalized any violation of the freedom of religious organizations to pursue their activities. There were currently two women's religious schools which provided students with religious and technical education; the number currently enrolled was a little over 100 in each case. Women's right to undertake a pilgrimage and to enter Muslim holy places was also guaranteed.

Expulsion of aliens (art. 13)

33. **The Chairperson** invited the delegation to reply to the question in paragraph 24 of the list of issues concerning the expulsion procedure, and the right to appeal against an expulsion order.

34. **Mr. Saidov** (Uzbekistan) said that, under a resolution of the Cabinet of Ministers adopted in 1996 on the right to enter, leave or pass through the country, any foreigner or stateless person who violated Uzbek laws could be expelled. Decisions on the expulsion of foreigners were taken by the Ministry of Internal Affairs and the Ministry of Foreign Affairs, and were transmitted to the embassy of the foreigner in question. Such decisions could be appealed. Fines were levied on foreign nationals who violated laws during their stay.

Freedom of association (art. 22)

35. **The Chairperson** invited the delegation to respond to the questions in paragraphs 25 and 26 of the list of issues, concerning procedures for registration of non-governmental organizations and cases where registration had been denied or delayed, and measures to eliminate harassment of human-rights defenders by State officials.

36. **Mr. Saidov** (Uzbekistan) replied that a law adopted in 1999 governed the status and activities of non-governmental, non-commercial organizations, which played an important role in the country. Under article 21 of that law, registration was effected by judicial bodies. For registration, the following documents were required: a declaration signed by the members of the governing body of the organization with an indication of their names and other personal particulars; two copies of its founding charter; minutes of the inaugural meeting; and a bank statement indicating payment of the registration dues. Those documents must be submitted for registration within two months following the inaugural meeting. A foreign non-governmental organization must produce a certificate of registration and the text of its charter translated into the national language.

37. The documents were considered by the relevant judicial bodies within a two-month period, and a decision was taken on whether to grant or deny registration. Registration could be denied on grounds that the organization had the aim of forcibly changing the country's constitutional order, undermining its sovereignty, integrity and security, infringing the

constitutional rights of citizens, disseminating propaganda for war, or harbouring social, national, racial or religious designs detrimental to the health and morals of the population. Some additional reasons for denial of registration were: failure to submit all the necessary documents or submission of incomplete or false documents; submission of documents following expiry of the time limit; prior registration of an organization with the same name; and violation of the law governing the formation of such organizations.

38. Denial of registration of a non-governmental organization on the grounds that it was inappropriate was, however, not permitted. Denial of registration did not preclude the resubmission of documents once the objection had been removed. The law governing registration had been drawn up with the assistance of international experts, and regular seminars were held in order to clarify the operation of the law.

39. Regarding alleged official harassment of human-rights defenders, it should be noted that recent years had seen a steady rise in the number of Uzbek non-governmental organizations in the field, dealing with individual rights, women's rights, humanitarian law, legal practice and the like; and that the Government was always defending such organizations. Together with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), for example, the Government and the National Centre for Human Rights had launched a women's rights campaign to ensure effective lobbying; and a three-stage seminar had been organized, attended by intergovernmental and non-governmental organizations, to improve local monitoring and to assess the prevailing situation. The journal *Human Rights*, published in Uzbek, was devoted to that field. There was a regular official exchange of information on human-rights standards and implementation: recently, for example, three seminars had been held, organized jointly by the Government and the OSCE Office, to bring lawyers together to reflect on the human-rights objectives of the legal profession, and the implementation of the Covenant in Uzbekistan. Since 1996, Human Rights Watch had been operating in the country and meeting regularly with representatives of local human-rights organizations and of similar international organizations present in the country.

*Participation in the conduct of public affairs
(art. 25)*

40. **The Chairperson** invited the delegation to answer the questions in paragraphs 27 and 28 of the list of issues relating to information on any banning of political parties; and guarantees for free elections, in the light of alleged violations during recent parliamentary and presidential elections.

41. **Mr. Saidov** (Uzbekistan) replied that article 3 of the Political Parties Act safeguarded the equal right of all citizens to participate in politics. Political parties were banned only if their stated goal was the violent overthrow of the Republic or if they challenged the sovereignty or security of the Republic, promoted warfare, sowed sexual or religious discord, or undermined public morals. No party had ever been banned since the founding of the Republic. Four political parties were currently active.

42. On the question of free elections, the law prohibited any direct or indirect restriction on those eligible to vote, except for the mentally ill or prisoners. Special legislation had been adopted in May 1994 governing free elections and proper voting procedures. There was a provision in the Penal Code making officials who did not ensure free elections liable. Preparations for both the 1999 parliamentary elections and the 2000 presidential elections had begun three years earlier, on the basis of the Memorandum of Understanding with the OSCE Office for Democratic Institutions and Human Rights; working with OSCE experts, the Government had improved its electoral legislation in four areas and set up a Central Election Commission, whose members received special training.

43. Candidates of five political parties active at that time as well as independent candidates had run for election, with over 1,000 candidates for the 250 seats in Parliament. Twelve million voters over the age of 18 — 95 per cent of the electorate — had turned out for the parliamentary election. International observers had noted substantial progress in Uzbekistan's system of elections and none had challenged the freedom of the parliamentary election: his delegation therefore disagreed with any allegations of irregularities made after the fact. Currently, the Government was considering dividing Parliament into two separate houses, and was seeking the advice of international experts on what would be a huge undertaking.

44. Two candidates had run in the 2000 presidential election, and again 95 per cent of the electorate had voted under the new revised election procedures overseen by the Central Election Commission and OSCE. National observers and hundreds of international election observers, including elected officials and election commissioners from many countries and United Nations representatives, had certified that the election had proceeded according to the rules.

*Dissemination of information relating to the
Covenant*

45. **The Chairperson** invited the delegation to respond to the questions in paragraph 29 of the list of issues, concerning dissemination of information relating to the Covenant: steps taken to publicize the submission of the periodic report, its consideration by the Committee, and the Committee's concluding observations; information on education and training regarding the Covenant and its Optional Protocol given to public officials, particularly teachers, judges, lawyers and police officials.

46. **Mr. Saidov** (Uzbekistan) said that the Government had translated the Covenant and its periodic report into Uzbek and distributed the text of the Covenant widely. The report had also been published as a separate booklet distributed to international organizations, government departments and non-governmental organizations. Both had been discussed at many seminars, including a United Nations-sponsored meeting. The provisions of the Covenant were part of the curriculum of schools and universities, law schools and other institutions whose courses touched on human rights. The Government had undertaken a campaign to publicize those provisions of the Covenant that had been incorporated into national law. In 2000, organized jointly with OSCE, a number of training seminars on the Covenant had been held. Law-enforcement bodies were also striving to ensure the implementation of the Covenant as a means of ensuring the protection of the human rights of citizens. Upon conclusion of its consideration, the periodic report would be publicized in Uzbekistan at a press conference that would make the issues accessible to the media.

47. His delegation hoped that the Committee understood Uzbekistan's aims and its hopes for an open dialogue now and in the future. It had answered each

question officially and responsibly, yet it had the impression that some Committee members mistrusted parts of the report. Perhaps some points had been lost in the translation.

48. **The Chairperson** invited further comments or queries.

49. **Mr. Yalden** observed that it would have been more helpful to have had the written update included as part of the report itself, giving the benefit of translation: for example, the useful breakdown of complaints in the appendix on page 71. He agreed with members who had discerned a gap between the theory and the reality on the basis of reports from outside sources. A lack of trust was not the issue; the problem was that the report of the State party did not jibe with the reports from reliable non-governmental organizations.

50. As a former ombudsman himself, he would like to see the Ombudsman given stronger and broader jurisdiction; and he wondered if his annual report to Parliament could be made available to the Committee, if only in Russian. He too thought that the laws for the registration of various religious sects established overly complicated procedures, and he believed the Government should consider amending them.

51. It was still not clear to him how many non-governmental organizations in the country were registered and how many were not, and what the latter were allowed to do in comparison with the former; or why the Human Rights Society of Uzbekistan was not yet registered. It was also unclear if there had in fact been any incidents of harassment.

52. The report had provided very little information on the position of women in society beyond giving a few figures (report, para. 91), although the delegation had provided useful additional information. Nevertheless, a fuller explanation was needed of where women now stood in practice in Uzbekistan, and at what level of the hierarchy generally in and of the work force. He would like details of what the Government was doing about the employment of women and how progress was monitored. He would also appreciate more information on problems arising from social traditions and attitudes (report, paras. 103-104, 112); often they were the nub of the problem. The Committee had not been told enough about de facto steps the Government had planned or taken to combat discrimination against

women, nor what independent body monitored such discrimination.

53. Regarding minorities, he would like to know how many schools and levels of schooling had been set up for the Russian minority, who constituted 6 per cent of the population, and how many Russian-speaking students studied in them. He would like information on the Government's policy regarding minority languages: for example, what services were provided in, for instance, Russian, and to what extent it was used in courts and in other relations with the State. He wondered in general how minorities were integrated into society in the workaday world. Any statistics available would be useful.

54. **Ms. Medina Quiroga** noted further, concerning women, that the report admitted discrimination, yet the positions taken by the State party in the report would not readily lead to women's equality with men. The report indicated, for example, that special arrangements were made so that women with large families could remain at home rather than working (para. 96); traditional values such as the role of the woman in the family and traditional respect for women as mothers and guardians of the home were extolled (para. 103); a government programme had been established to enhance the role of the woman in the family (para. 110). That all pointed to the conception that a woman's first role was as a mother and that women who stayed home were to be treated more favourably; which put women as a whole at a disadvantage vis-à-vis their ability to work. Also, a death-penalty exemption for women and children seemed to put women in the same category as children. Further to paragraph 103 of the report, she asked what the legal marriage age was for women and men, and how some early marriages not in conformity with the law could have taken place; and also whether the law safeguarded the principle of free consent to marriage.

55. She wondered if family-planning information (report, para. 311) was being provided to men as well as women. Furthermore, any statistics on family violence would be welcome; given the privileged position of men in society, she suspected that it was widespread. Also, she would like clarification as to whether the norms of the new Family Code (report, para. 314), were fully compatible with the Covenant.

56. With regard to children, the report spoke of the arrest of minors and incidents of their degrading or

unlawful treatment at the hands of law enforcement officials (para. 323). She wondered if such treatment differed from that which adults would encounter under the same circumstances. The report saw training in legality as the answer to the problem, but she would like to know what the State had actually done to prevent the mistreatment of any minors who were arrested.

57. Regarding article 14, she would like to know whether the right of appeal referred to in the report (para. 212) meant an appeal in cassation or if a true appeals procedure was available.

58. **Mr. Klein** had some concerns with regard to the independence of the judiciary. He wondered whether it was true that judges were appointed for five years and then had to be reappointed in order to continue in their functions, how many judges were generally reappointed, and whether it was true that they might not be reappointed not only for incompetence but also for disciplinary reasons. In order to be trusted, the judiciary must be seen to be free and independent of the Government. He also expressed surprise that there were some 100 non-governmental organizations dealing with women's issues alone, and wondered whether they were truly efficient and effective and independent of the Government.

59. **Mr. Saidov** (Uzbekistan) said that his delegation had submitted a lengthy document in Russian containing replies to the Committee's preliminary questions. It provided an account of the major changes that had taken place in his country in the two years since the initial report had been submitted. When the document had been translated, members of the Committee could avail themselves of the additional information which they were seeking.

60. He agreed with Mr. Yalden that in many countries there was a gap between theory and practice. He understood the views of the members of the Committee. Nevertheless, his delegation operated on the basis of a presumption of mutual trust. It had been mentioned frequently that his delegation appeared to be looking at human rights from the standpoint of two different States. He wished to make it clear that Uzbekistan was one country. There had also been constant references to other information at the Committee's disposal. He wished to know what that information consisted of. It could only have been submitted by Human Rights Watch or the Helsinki

Monitoring Group, the same sources which his Government was using. Such information was being followed up carefully and concrete measures were being taken.

61. The Office of the Ombudsman had been operating for over five years and had undergone significant developments since the submission of the initial report. Regional offices had been established in each of the 12 regions and training seminars were being conducted for regional representatives. His delegation had submitted to the Chairperson detailed reports in English on the structure and activities of the Office for 1996, 1999 and 2000, containing analyses of the complaints received and the decisions taken. Regrettably, those reports had not been distributed to the members of the Committee.

62. His Government saw no need at that stage to amend the Freedom of Conscience and Religious Organizations Act. It was a new law that corresponded to article 18 of the Covenant. No major difficulties had been observed in practice in the application of the provision on registration.

63. Currently there were over 2,500 non-governmental organizations at the national and local levels. At the national level alone, over 300 were registered with the Ministry of Justice. He agreed with Mr. Klein that the number of such organizations did not necessarily reflect their effectiveness. However, Western observers frequently criticized the small number of political parties in his country. Now his delegation was being told that a large number of parties did not necessarily reflect a genuine multiparty system. His Government viewed the rapid growth of non-governmental organizations in the past three or four years as a very important factor in the construction of civil society.

64. An especially welcome development was the growth of non-governmental women's organizations. One example was the Uzbekistan Women's Committee, which had been established with government assistance, but which was now flourishing with the support of non-governmental organizations. It was important to increase women's involvement in social and political activities, not just as mothers or homemakers, but as human beings and citizens. His Government would continue its efforts along those lines.

65. Moreover, Parliament was debating an equal-opportunities law. In preparing its report to the Committee on the Elimination of Discrimination against Women (CEDAW), his Government had looked at the experiences of other countries, particularly Finland, which had an effective equal-opportunities law.

66. As to non-registered non-governmental organizations, his Government's approach was similar to that of the Organization for Security and Cooperation in Europe (OSCE). While non-registered non-governmental organizations did not have the status of a legal entity, they were free to carry out their activities. The same was true of the Human Rights Society. Its leaders attended government meetings as observers, which demonstrated his Government's attitude towards non-governmental organizations.

67. With regard to women's issues, very detailed information had been transmitted to CEDAW a month and a half earlier and was available on its web site. He agreed that traditional attitudes should not be a bar to enhancing women's role as equal members of society. A system was in place to monitor the protection of women's rights with the participation of government bodies and non-governmental organizations; assistance was being sought from United Nations bodies and foreign experts.

68. With regard to the situation of national minorities, he referred to the Government's language policy. While Uzbek was the State language, article 4 of the Constitution stated that the Republic of Uzbekistan must ensure a respectful attitude towards the languages, customs and traditions of all nationalities and ethnic groups living on its territory and create the conditions necessary for their development. An International Cultural Centre had recently been established to coordinate the activities of over 100 cultural centres designed to meet the needs of almost every nationality. While the centres were non-governmental organizations, the State supported them in every way.

69. Court proceedings took place in the language of the majority of the population in a given locality. In areas where the majority was Russian-speaking, the courts operated in Russian, but non-Russian-speaking parties were provided with interpreters. Criminal defendants who did not speak the language of the area in which they were being tried had full access to

written materials and were entitled to speak their own language in court with the assistance of an interpreter.

70. More than 15 per cent of the population was Russian-speaking, not just the 6 per cent who were ethnic Russians. Government policy took that into account. There were over 9,000 schools in his country; 845 of them operated in Russian, 595 in Kazakh, 339 in Tajik, 66 in Turkmen and 63 in Kyrgyz. Moreover, in 27 schools, instruction was in Korean; in 25, in Crimean Tatar; in 11, in Tatar; in four, in Greek; in three, in Uigur; and in one, in German. More than 1 million pupils were learning German as a foreign language. In the teachers' colleges, instruction was in Kazakh, Russian and Tajik.

71. Newspapers and magazines were published in seven languages: Uzbek, Russian, Karakalpak, Tajik, Kazakh, English and Korean. Sixty-nine newspapers and 27 magazines were published in Russian. Representatives of all nationalities and ethnic groups participated actively in public life, and all had equal rights.

72. His Government paid special attention to the status of women. The President had proclaimed 1999 the Year of Women; efforts had been made to create the economic basis for women's equality. A programme had been established to combat unemployment among women; it required new workplaces to establish quotas for jobs to be filled by women. Measures had also been implemented to enable women to work from home. A special law had been adopted which provided additional benefits for working mothers, such as shorter working hours. The year 2001 had been proclaimed the Year of Mothers and Children; it represented a major government initiative to ensure women's and children's rights.

73. In accordance with the Family Code, the marriageable age was 18 for men and 17 for women. A woman could marry at 16 if she became pregnant. The cornerstone of family law was the woman's consent to marriage. Forcing a woman into marriage against her will was a criminal offence.

74. Children and minors were viewed as requiring special protection. A law on the rights of children was being drafted in Parliament. A juvenile-justice system was being developed.

75. With regard to paragraph 119 of the report, which referred to unlawful arrest, the new Courts Act

established a system of appeals against any court rulings. A complaints procedure also existed.

76. With regard to Mr. Klein's point concerning the independence of judges, his Government recognized that as a major problem. Having studied the experience of other countries, his Government had concluded that the independence of judges could be ensured through the principle of term of office. That would eliminate judges' concern about being removed from office by a higher authority. When the Constitution had been adopted, he and others had proposed a 10-year term of office. The proposal had elicited a great deal of debate, but had failed in Parliament. He agreed that a five-year term was too short. In his view, the best way of ensuring judges' continuity in office was for them to be appointed by the President — rather than elected, as they had been during the Soviet period. However, judges of the Supreme Court and the Constitutional Court were elected by Parliament.

77. His Government was endeavouring to be transparent and open. For the first time in the country's history, statistics had been published in the newspapers on the penal system, including the number of detainees, the crimes of which they had been convicted and the crime rate per 100,000 inhabitants. He felt certain that in time all data would be freely available. His delegation was prepared to provide any additional information required by the Committee.

78. **Ms. Medina Quiroga** stressed that it was important that the State party should follow the Committee's guidelines in preparing its report and provide all documentation to the Committee well ahead of time.

79. She noted that women often had no control over the number of children they had, and that intolerable living conditions had led to cases of self-immolation (para. 112), and wondered what the National Family Planning Centre was doing to improve the situation. She also wondered whether children were given special treatment appropriate to their status as children in the courts (para. 161) and during arrest and detention, whether they were allowed legal counsel, and whether the State was taking steps to prevent the degrading treatment of children described in paragraph 323 of the report.

80. **Mr. Ando**, referring to paragraphs 357 and 358 of the report, stressed that law and order was essential for the protection of human rights but wondered why there

was a difference in the level of optimism between ethnic Uzbeks and ethnic Russians. He also wondered whether the figures quoted were an extension of the Stephen Wagner survey or were taken from a government-sponsored or other survey, and how representative the figures were of the general population. He requested more information on the survey and wondered how the authorities explained the difference in perception between the ethnic Uzbek and Russian populations.

81. **Mr. Amor** said the additional oral information had enriched the Committee's understanding of the situation in Uzbekistan. He wondered, however, whether the State party associated religious extremism with armed bands, drug-trafficking, etc. He cautioned that the label "extremism" was often too quickly applied: for example, in paragraph 104, "religious extremism" was not well defined. He wondered how "traditions" could be "developing" currently and also wondered what mechanisms were being used to eradicate such practices. Labels of extremism were often based on a certain perception of traditions, for example in paragraph 112 where it was explained that the husband and his mother dominate the family, noting that cultures were slow to change, stressed that the State had an obligation to promote human rights through education, positive discrimination may in favour of women and even legal sanctions.

82. **Mr. Henkin** said there seemed to be some inconsistency between the State party's positive description of its relationship with the United States State Department and non-governmental organizations and pointed out that, for example, the most recent State Department report had described Uzbekistan as an authoritarian State with limited protection of human rights where the Government's poor human-rights record had in fact worsened, and non-governmental organizations had provided many reports of recent cases of the use of torture, despite the State party's claims to the contrary.

83. **Mr. Saidov** (Uzbekistan) noted that Ms. Medina Quiroga had implied that the report had not been prepared in accordance with the Committee's guidelines. He disagreed: the guidelines had indeed been followed. In his delegation's view, it was precisely that type of approach which led to mutual understanding. Although not everything had been covered in the report, the written replies contained additional information.

84. Self-immolation was a form of suicide that might be encountered in certain regions. His Government, with the participation of non-governmental organizations, was implementing a number of measures to prevent suicide and violence against women. Studies had shown that most violence against women was the result of everyday domestic conflicts. Whenever an incident of violence or suicide occurred, an investigation was carried out and recommendations were made.

85. As to the question concerning the juvenile-justice system, he preferred to use the term “minors” rather than “children”. The term “juveniles” referred to minors from 14 to 18 years of age. They were covered by a special section of the Code of Penal Procedure. Within the justice system they were provided with social services in order to protect their rights.

86. Turning to the question from Mr. Ando regarding the Wagner survey (paras. 357 and 358), he said the results were a fair reflection of the situation and the Government, the population and non-governmental organizations would be involved in follow-up to the survey. He believed it was rather encouraging that 48 per cent of the population felt the human-rights situation had improved since independence and only 16 per cent thought that the situation had worsened, which implied that 84 per cent of the population felt that the situation had at least not worsened, or improved, which reflected that the State’s efforts to deal positively with the human-rights situation. He also pointed out that 59 per cent of respondents felt the authorities respected their rights “sufficiently” or “fully”. He would provide the Committee with more information on that survey in writing, as requested. The fact that there had been a nearly 95-per-cent participation in the most recent presidential elections proved the legitimacy of the electoral process and showed that the people had confidence in the authorities.

87. In response to Mr. Amor, he said that religious extremism could undermine society and at times could manifest itself through armed conflict. His Government would promote human rights and equality, and he agreed that, in traditional societies especially, positive discrimination could be used to promote the rights of the disadvantaged. With regard to the question raised by Mr. Henkin concerning his Government’s relationship with the United States State Department, he stressed that there was close contact between the two and there had been a political dialogue over the

past three years. A third joint United States-Uzbekistan seminar on human rights would soon be held and he said that the State Department’s annual reports indicated that the human-rights dynamic within the country had changed for the better. He personally had engaged the American ambassador in a dialogue on ideas for the improvement of human-rights policies and had raised the question of the rather negative assessment in the most recent report. The ambassador had responded that the purpose of the report was not to take stock of progress made but to stress what still needed to be done. The report’s candid assessment of the situation would help guide his Government in taking future actions.

88. **The Chairperson** thanked the State party for its frank dialogue and the wealth of information provided in its report and oral replies, but regretted that the additional documentation provided had been received only at the last minute. He stressed that the Committee’s purpose was to provide constructive criticism on further measures for the promotion of human rights. Uzbekistan’s economic, political and social infrastructure were in transition and it had made commendable efforts in a relatively short time. Its Constitution was a good document and a Constitutional Court had been established and had already declared statements obtained by torture and coercion to be inadmissible; the Covenant also took precedence over domestic law. He noted the creation of the Office of the Ombudsman, the nearly 100-per-cent literacy rate, and the fact that education was available in 10 languages, including minority languages.

89. A number of problems nevertheless remained. Judges must be guaranteed security of tenure in order to ensure the independence of the judiciary, and he requested more information on how many judges were in fact reappointed at the end of their five-year terms. He expressed concern at article 16 of the Constitution regarding provisions which might be detrimental to the interests of the Republic and wondered who would decide that matter. The law on State secrets was much too broad in scope and he suggested that some kind of freedom-of-information law should also be enacted. The number of death sentences carried out should be made public, and the extradition or expulsion of persons to countries where they might face the death penalty or torture should be prohibited.

90. He expressed confidence that the Government would take into account the Committee’s observations

and thanked the delegation for its constructive and cooperative attitude. He was sure many positive changes would be evident in the State party's next report and looked forward to further follow-up of the Committee's recommendations, which would be summarized in its concluding observations.

91. **Mr. Saidov** (Uzbekistan) said awareness of the Covenant would lead to the elimination of stereotypes and was a key to enacting legislation for the promotion of human rights. His Government was fully aware of the essential role played by non-governmental organizations in the promotion of human rights and the implementation of the Covenant and wished to involve non-governmental organizations, the media and all sectors of civil society in a continued dialogue on human rights.

92. He stressed his Government's commitment to its international obligations under the Covenant and its Optional Protocol, which it had ratified without reservation, and to implementation in practice of the provisions of the Covenant. The Committee's concerns had been duly noted and would be taken into account in the next report, which would comply fully with the Committee's guidelines. He would transmit the Committee's requests for further information to his Government and he thanked the Committee for a constructive dialogue and for the understanding it had shown of Uzbekistan's difficulties, given its geopolitical environment and its status as a country and economy in transition.

The meeting rose at 6.10 p.m.